



General Assembly

January Session, 2013

Raised Bill No. 6482

LCO No. 3528



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT CONCERNING BIRTH CERTIFICATES FOR HOMELESS YOUTH.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-36 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 As used in this chapter and sections 19a-40 to 19a-45, inclusive,
4 unless the context otherwise requires:

5 (1) "Registrar of vital statistics" or "registrar" means the registrar of
6 births, marriages, deaths and fetal deaths or any public official charged
7 with the care of returns relating to vital statistics;

8 (2) "Registration" means the process by which vital records are
9 completed, filed and incorporated into the official records of the
10 department;

11 (3) "Institution" means any public or private facility that provides
12 inpatient medical, surgical or diagnostic care or treatment, or nursing,
13 custodial or domiciliary care, or to which persons are committed by
14 law;

15 (4) "Vital records" means a certificate of birth, death, fetal death or
16 marriage;

17 (5) "Certified copy" means a copy of a birth, death, fetal death or
18 marriage certificate that (A) includes all information on the certificate
19 except such information that is nondisclosable by law, (B) is issued or
20 transmitted by any registrar of vital statistics, (C) includes an attested
21 signature and the raised seal of an authorized person, and (D) if
22 submitted to the department, includes all information required by the
23 commissioner;

24 (6) "Uncertified copy" means a copy of a birth, death, fetal death or
25 marriage certificate that includes all information contained in a
26 certified copy except an original attested signature and a raised seal of
27 an authorized person;

28 (7) "Authenticate" or "authenticated" means to affix to a vital record
29 in paper format the official seal, or to affix to a vital record in electronic
30 format the user identification, password, or other means of electronic
31 identification, as approved by the department, of the creator of the
32 vital record, or the creator's designee, by which affixing the creator of
33 such paper or electronic vital record, or the creator's designee, affirms
34 the integrity of such vital record;

35 (8) "Attest" means to verify a vital record in accordance with the
36 provisions of subdivision (5) of this section;

37 (9) "Correction" means to change or enter new information on a
38 certificate of birth, marriage, death or fetal death, within one year of
39 the date of the vital event recorded in such certificate, in order to
40 accurately reflect the facts existing at the time of the recording of such
41 vital event, where such changes or entries are to correct errors on such
42 certificate due to inaccurate or incomplete information provided by the
43 informant at the time the certificate was prepared, or to correct
44 transcribing, typographical or clerical errors;

45 (10) "Amendment" means to (A) change or enter new information

46 on a certificate of birth, marriage, death or fetal death, more than one
47 year after the date of the vital event recorded in such certificate, in
48 order to accurately reflect the facts existing at the time of the recording
49 of the event, (B) create a replacement certificate of birth for matters
50 pertaining to parentage and gender change, or (C) reflect a legal name
51 change in accordance with section 19a-42 or make a modification to a
52 cause of death;

53 (11) "Acknowledgment of paternity" means to legally acknowledge
54 paternity of a child pursuant to section 46b-172;

55 (12) "Adjudication of paternity" means to legally establish paternity
56 through an order of a court of competent jurisdiction;

57 (13) "Parentage" includes matters relating to adoption, gestational
58 agreements, paternity and maternity;

59 (14) "Department" means the Department of Public Health;

60 (15) "Commissioner" means the Commissioner of Public Health or
61 the commissioner's designee;

62 (16) "Gestational agreement" means a written agreement for assisted
63 reproduction in which a woman agrees to carry a child to birth for an
64 intended parent or intended parents, which woman contributed no
65 genetic material to the child and which agreement (A) names each
66 party to the agreement and indicates each party's respective
67 obligations under the agreement, (B) is signed by each party to the
68 agreement and the spouse of each such party, if any, and (C) is
69 witnessed by at least two disinterested adults and acknowledged in
70 the manner prescribed by law;

71 (17) "Intended parent" means a party to a gestational agreement
72 who agrees, under the gestational agreement, to be the parent of a
73 child born to a woman by means of assisted reproduction, regardless
74 of whether the party has a genetic relationship to the child; [and]

75 (18) "Foundling" means (A) a child of unknown parentage, or (B) an
76 infant voluntarily surrendered pursuant to the provisions of section
77 17a-58; and

78 (19) "Certified homeless youth" means a person who is at least
79 fifteen years of age but less than eighteen years of age, is not in the
80 physical custody of a parent or legal guardian, who is a homeless child
81 or youth, as defined in 42 USC 11434a, as amended from time to time,
82 and who has been certified as homeless by (A) a school district
83 homeless liaison, (B) the director of an emergency shelter program
84 funded by the United States Department of Housing and Urban
85 Development, or the director's designee, or (C) the director of a
86 runaway or homeless youth basic center or transitional living program
87 funded by the United States Department of Health and Human
88 Services, or the director's designee.

89 Sec. 2. Section 7-51 of the general statutes is repealed and the
90 following is substituted in lieu thereof (*Effective October 1, 2013*):

91 (a) The department and registrars of vital statistics shall restrict
92 access to and issuance of a certified copy of birth and fetal death
93 records and certificates less than one hundred years old, to the
94 following eligible parties: (1) The person whose birth is recorded, if
95 such person is (A) over eighteen years of age, or (B) a certified
96 homeless youth, as defined in section 7-36, as amended by this act; (2)
97 the person whose birth is recorded, if such person is a minor
98 emancipated pursuant to sections 46b-150 to 46b-150e, inclusive; [(2)]
99 (3) such person's children, grandchildren, spouse, parent, guardian or
100 grandparent; [(3)] (4) the chief executive officer of the municipality
101 where the birth or fetal death occurred, or the chief executive officer's
102 authorized agent; [(4)] (5) the local director of health for the town or
103 city where the birth or fetal death occurred or where the mother was a
104 resident at the time of the birth or fetal death, or the director's
105 authorized agent; [(5)] (6) attorneys-at-law representing such person or
106 such person's parent, guardian, child or surviving spouse; [(6)] (7) a
107 conservator of the person appointed for such person; [(7)] (8) members

108 of genealogical societies incorporated or authorized by the Secretary of
 109 the State to do business or conduct affairs in this state; ~~[(8)]~~ (9) agents
 110 of a state or federal agency as approved by the department; and ~~[(9)]~~
 111 (10) researchers approved by the department pursuant to section 19a-
 112 25. Except as provided in section 19a-42a, access to confidential files on
 113 paternity, adoption, gender change or gestational agreements, or
 114 information contained within such files, shall not be released to any
 115 party, including the eligible parties listed in this subsection, except
 116 upon an order of a court of competent jurisdiction.

117 (b) No person other than the eligible parties listed in subsection (a)
 118 of this section shall be entitled to examine or receive a copy of any
 119 birth or fetal death record or certificate, access the information
 120 contained therein, or disclose any matter contained therein, except
 121 upon written order of a court of competent jurisdiction. Nothing in this
 122 section shall be construed to permit disclosure to any person,
 123 including the eligible parties listed in subsection (a) of this section, of
 124 information contained in the "information for health and statistical use
 125 only" section or the "administrative purposes only" section of a birth
 126 certificate, unless specifically authorized by the department for
 127 statistical or research purposes. The Social Security number of the
 128 parent or parents listed on any birth certificate shall not be released to
 129 any party, except to those persons or entities authorized by state or
 130 federal law. Such confidential information, other than the excluded
 131 information set forth in this subsection, shall not be subject to
 132 subpoena or court order and shall not be admissible before any court
 133 or other tribunal.

134 (c) (1) The registrar of the town in which the birth or fetal death
 135 occurred or of the town in which the mother resided at the time of the
 136 birth or fetal death, or the department, may issue a certified copy of the
 137 certificate of birth or fetal death of any person born in this state which
 138 is kept in paper form in the custody of the registrar. ~~[Such]~~ Except as
 139 provided in subdivision (2) of this subsection, such certificate shall be
 140 issued upon the written request of an eligible party listed in subsection

141 (a) of this section. Any registrar of vital statistics in this state with
 142 access, as authorized by the department, to the electronic vital records
 143 system of the department may issue a certified copy of the
 144 electronically filed certificate of birth or fetal death of any person born
 145 in this state upon the written request of an eligible party listed in
 146 subsection (a) of this section.

147 (2) In the case of a certified homeless youth, such certified homeless
 148 youth and the person who is certifying the certified homeless youth as
 149 homeless, as described in section 7-36, as amended by this act, shall
 150 appear in person when the certified homeless youth is presenting the
 151 written request described in subdivision (1) of this subsection at (A)
 152 the office of the registrar of the town in which the certified homeless
 153 youth was born, (B) the office of the registrar of the town in which the
 154 mother of the certified homeless youth resided at the time of the birth,
 155 (C) if the birth certificate of the certified homeless youth has been
 156 electronically filed, any registrar of vital statistics in the state with
 157 access, as authorized by the department, to the electronic vital records
 158 system, or (D) the state vital records office of the department. The
 159 certified homeless youth shall present to the registrar or the
 160 department information sufficient to identify himself or herself as may
 161 be required by regulations adopted by the commissioner pursuant to
 162 section 7-41. The person who is certifying the certified homeless youth
 163 as homeless shall present to the registrar or the department
 164 information sufficient to identify himself or herself as meeting the
 165 certification requirements of section 7-36, as amended by this act.

166 (d) The department and each registrar of vital statistics shall issue
 167 only certified copies of birth certificates or fetal death certificates for
 168 births or fetal deaths occurring less than one hundred years prior to
 169 the date of the request.

170 Sec. 3. Section 46b-150d of the general statutes is repealed and the
 171 following is substituted in lieu thereof (*Effective October 1, 2013*):

172 An order that a minor is emancipated shall have the following

173 effects: (1) The minor may consent to medical, dental or psychiatric
 174 care, without parental consent, knowledge or liability; (2) the minor
 175 may enter into a binding contract; (3) the minor may sue and be sued
 176 in such minor's own name; (4) the minor shall be entitled to such
 177 minor's own earnings and shall be free of control by such minor's
 178 parents or guardian; (5) the minor may establish such minor's own
 179 residence; (6) the minor may buy and sell real and personal property;
 180 (7) the minor may not thereafter be the subject of (A) a petition under
 181 section 46b-129 as an abused, neglected or uncared for child or youth,
 182 (B) a petition under section 46b-128 or 46b-133 as a delinquent child for
 183 any act committed before the date of the order, or (C) a petition under
 184 section 46b-149 alleging that the minor is a child from a family with
 185 service needs; (8) the minor may enroll in any school or college,
 186 without parental consent; (9) the minor shall be deemed to be over
 187 eighteen years of age for purposes of securing an operator's license
 188 under section 14-36 and a marriage license under subsection (b) of
 189 section 46b-30; (10) the minor shall be deemed to be over eighteen
 190 years of age for purposes of registering a motor vehicle under section
 191 14-12; (11) the parents of the minor shall no longer be the guardians of
 192 the minor under section 45a-606; (12) the parents of a minor shall be
 193 relieved of any obligations respecting such minor's school attendance
 194 under section 10-184; (13) the parents shall be relieved of all obligation
 195 to support the minor; (14) the minor shall be emancipated for the
 196 purposes of parental liability for such minor's acts under section 52-
 197 572; (15) the minor may execute releases in such minor's own name
 198 under section 14-118; [and] (16) the minor may enlist in the armed
 199 forces of the United States without parental consent; and (17) the
 200 minor may access or obtain a certified copy of a birth certificate under
 201 section 7-51, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	7-36
Sec. 2	October 1, 2013	7-51
Sec. 3	October 1, 2013	46b-150d

PH *Joint Favorable*